

1 Title 5. EDUCATION

2 Division 1. State Department of Education

3 Chapter 2. Pupils

4 Subchapter 3.75. Standardized Testing and Reporting Program

5 Article 1. General

6
7 *Amend Sections 850, 852, and 853 to read:*

8 **§ 850. Definitions.**

9 For the purposes of the Standardized Testing and Reporting (STAR) program, the following terms shall
10 have the following meanings unless the context indicates otherwise:

11 (a) “Designated achievement test” is the achievement test required by Education Code section 60640(b).
12 The designated achievement test includes test booklets, test answer documents, administration manuals, and
13 administrative materials, ~~and practice tests~~. The designated achievement test is to be administered in the
14 areas of reading, spelling, written expression and mathematics for pupils in grades 2 to 8, inclusive; and in
15 the core curriculum areas of reading, writing, mathematics, history/social science and science for pupils in
16 grades 9 to 11, inclusive.

17 (b) “Primary language test” includes any test administered pursuant to Education Code section 60640(f)
18 or a test administered pursuant to the requirement of Education Code section 60640(g), as applicable, and
19 includes the test booklets, test answer documents, administration manuals, administrative materials and
20 practice tests.

21 (c) “School districts” includes school districts, county offices of education, and any charter school that
22 does not elect to be part of the school district or county office of education that granted the charter.

23 (d) “Eligible pupil” is any pupil in grades 2 to 11, inclusive, who is not otherwise exempted.

24 (e) “Department” means the California Department of Education.

25 (f)(1) “Standards-based achievement tests” are those tests that measure the degree to which pupils are
26 achieving the content standards and performance standards adopted by the State Board of Education as
27 provided in Education Code section 60642.5. The standards-based achievement tests include test booklets,
28 test answer documents, administration manuals, administrative materials, practice tests and other materials
29 developed and provided by the publisher of the tests.

30 (2) The term “standards-based achievement test” may refer to one or more of the individual achievement
31 tests in the subject of core curriculum areas required by Education Code section 60642.5, or all of the
32 standards-based achievement tests collectively.

33 (g) “~~Wave testing~~ Administration Period” means one of multiple test administration periods by school
34 districts with schools or programs on non-traditional calendars that begin and complete the school year at
35 various times and have staggered vacation periods, in order to ensure that all pupils are tested at
36 approximately the same point in the instructional year.

1 (h) "The California Alternate Performance Assessment" (CAPA) is an individually administered
2 performance assessment developed to assess students' achievement on a subset of California's Academic
3 Content Standards. It is administered to students receiving special education services who are significantly
4 cognitively disabled. The CAPA includes administration manuals, administrative materials, and documents
5 on which the examiner records the student's responses.

6 (i) "Out-of-level testing" means administering a test that is below the grade level of the pupil being
7 tested.

8 (j) "Scribe" is an employee of the school district, or a person assigned by a nonpublic school to
9 implement a pupil's IEP and is required to transcribe a pupil's or adult student's responses to the format
10 required by the examination. A family member or guardian is not eligible to be a scribe.

11 (k) "Accommodations" means any variation in the assessment environment or process that does not
12 fundamentally alter what the test measures or affect the comparability of scores. Accommodations" may
13 include variations in scheduling, setting, aids, equipment, and presentation format.

14 (l) "Modification" means any variation in the assessment environment or process that fundamentally
15 alters what the test measures or affects the comparability of scores.

16 (m) "Variation" is a change in the manner in which a test is presented or administered, or in how a test
17 taker is allowed to respond, and includes, but is not limited to, accommodations and modifications as defined
18 in Education Code section 60850.

19 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code. Reference: Sections 60615,
20 60640, 60642 and 60642.5, Education Code.

21 **§ 852. Pupil Exemptions.**

22 (a) A parent or guardian may submit to the school a written request to excuse his or her child from any
23 or all parts of any test provided pursuant to Education Code section 60640. A school district and its
24 employees may discuss the Standardized Testing and Reporting program with parents and may inform
25 parents of the availability of exemptions under Education Code section 60615. However, the school district
26 and its employees shall not solicit or encourage any written exemption request on behalf of any child or
27 group of children.

28 (b) Pupils in special education programs shall be tested with the designated achievement test and the
29 standards-based achievement tests unless the individualized educational program for the pupil specifically
30 ~~exempts the pupil from the Standardized Testing and Reporting program~~ states that the pupil will be assessed
31 with the California Alternate Performance Assessment or (CAPA).

32 NOTE: Authority cited: Sections 33031 and 60605(g) and (h), Education Code. Reference: Sections 60615
33 and 60640, Education Code.

34 **§ 853. Administration.**

35 (a) The designated achievement test ~~and the standards-based achievement tests, which include all those~~
36 ~~materials set forth in Section 850,~~ shall be administered and returned by school districts in accordance with

1 the manuals or other instructions provided by the ~~publishers-contractor~~ for administering and returning the
2 tests unless specifically provided otherwise in this subchapter including instructions for administering the test
3 with variations, accommodations, and modifications. The procedures shall include, but are not limited to,
4 those designed to insure the uniform and standard administration of the tests to pupils, the security and
5 integrity of the test content and test items, and the timely provision of all required student and school level
6 information.

7 ~~(b) Except as provided in Subdivision (c), the reading section of any test shall not be read, interpreted, or~~
8 ~~translated to any pupil and no pupil may use a calculator while taking the designated achievement test or the~~
9 ~~standards-based achievement tests.~~

10 (b) The standards-based achievement tests and the California Alternate Performance Assessment shall be
11 administered and returned by school districts in accordance with the manuals and other instructions provided
12 by the contractor, and in accordance with testing variations, accommodations, and modifications specified in
13 Section 853.5. The procedures shall include, but are not limited to, those designed to insure the uniform and
14 standard administration of the tests to pupils, the security and integrity of the test content and test items, and
15 the timely provision of all required student and school level information.

16 ~~(c) Pupils in special education programs with individualized education programs delineating~~
17 ~~accommodations such as, but not limited to, large print, Braille, extended time, or the use of a reader or~~
18 ~~scribe or a calculator; or pupils with current plans under Section 504 of the Rehabilitation Act of 1973~~
19 ~~specifying such accommodations shall be tested and the prescribed adaptations or accommodations shall be~~
20 ~~made.~~

21 (c) For the 2003-04 school year only, pupils with IEPs in grades 5 through 11 may be tested one or two
22 grades below their enrollment grade. The test level must be specified in the student's IEP. Out-of-level
23 testing shall be used only if the student is not receiving grade-level instruction. Students tested out-of-level
24 must complete all tests required for the grade at which they are tested and shall be administered only one
25 level of the tests. Out-of-level testing is not allowed for pupils in grades 2, 3, and 4. No out-of-level testing
26 shall be allowed at any grade beginning with the 2004-05 school year.

27 ~~(d) English language learners enrolled in the school district for less than one year may be tested with~~
28 ~~standard or nonstandard accommodations in accordance with the manuals or other instructions provided by~~
29 ~~the test publisher. Nonstandard accommodations shall be utilized only if the school district has adopted a~~
30 ~~policy to be applied at each school to identify those English learners enrolled in the school district for less~~
31 ~~than one year for whom nonstandard accommodations may be appropriate due to the pupil's limited English~~
32 ~~proficiency. Nonstandard accommodations may include, but are not limited to, reading and translating the~~
33 ~~test instructions into the pupil's primary language and use of a bilingual dictionary.~~

34 ~~(e) Except for pupils in special education programs with individualized education programs and~~
35 ~~pupils with section 504 plans or English language learners enrolled in the school district for less than one~~
36 ~~year, no pupil shall be tested with accommodations or modifications.~~

NOTE: Authority cited: Sections 12001, 33031 and 60605~~(g)~~ and ~~(h)~~, Education Code. Reference: Section 60640, Education Code; 20 USC Section 6311.

Add new section 853.5 to read:

§ 853.5 Use of Variations, Accommodations, and Modifications for the Standards-Based Achievement Test and the California Alternate Performance Assessment.

(a) School districts may provide all pupils the following testing variations if regularly used in the classroom:

(1) test directions that are simplified or clarified.

(2) special or adaptive furniture.

(3) special lighting or acoustics.

(4) an individual carrel or study enclosure.

(5) test individually in a separate room provided that an employee of the school, district, or non-public school, who has signed the STAR Test Security Affidavit, directly supervises the pupil.

(6) markers, masks, or other means to maintain visual attention to the examination or test items.

(b) Eligible pupils with disabilities who have IEPs and students with Section 504 plans shall be permitted to take the standards-based achievement tests with the following presentation, response or setting accommodations if specified in the IEP or Section 504 plan:

(1) large print versions.

(2) test items enlarged through electronic means (e.g., photocopier).

(3) Braille transcriptions provided by the test contractor.

(4) use of manually coded or American sign language to present directions for administration.

(5) audio or oral presentation of the mathematics tests.

(6) use of manually coded or American sign language to present test questions on the mathematics tests.

(7) responses marked in test booklet and transferred to the answer document by a school or district employee who has signed the Test Security Affidavit.

(8) responses dictated to a scribe for selected-response items (e.g., multiple-choice test questions).

(9) responses dictated to a scribe, audio recorder or speech to text converter on the grade 4 or grade 7 writing application standards section of the California English-Language Arts Standards Test, and the pupil indicates all spelling and language conventions.

(10) use of word processing software with spell and grammar check tools turned off on the writing portion of the grade 4 or 7 test.

(11) use of an assistive device that does not interfere with the independent work of the student on the writing portion of the test.

(12) supervised breaks within a section of the test.

(13) administration of the test at the most beneficial time of day to the pupil.

1 (14) test administered by certificated teacher to a pupil or adult student at home or in the hospital.

2 (c) Eligible pupils with disabilities shall be permitted to take the standards-based tests with the following
3 modifications if specified in the eligible pupil's IEP:

4 (1) calculators on the mathematics or science tests.

5 (2) audio or oral presentation of the English-language arts tests.

6 (3) use of manually coded or American sign language to present test questions on the English-language
7 arts tests.

8 (4) spellcheckers, grammar checkers, or word processing software programs that check or correct
9 spelling and/or grammar on the writing portion of the grade 4 and 7 English-language arts tests.

10 (5) mechanical or electronic devices or other assistive devices that are not used solely to record the
11 pupil's responses, including but not limited to transcribers, scribes, voice recognition or voice to text
12 software, and that identify a potential error in the pupil's response or that correct spelling, grammar or
13 conventions on the writing portion of the grade 4 and 7 English-language arts tests.

14 (6) use of American sign language to provide a response to the written portion of the grade 4 and 7
15 English-language arts tests.

16 (7) English dictionary on the English-language arts test.

17 (8) mathematics dictionary on the mathematics section of the examination.

18 (d) School districts shall provide English learner pupils the following additional testing variations if
19 regularly used in the classroom or for assessment:

20 (1) Flexible setting. Tested in a separate room with other English learners provided that an employee of
21 the school, district, or non-public school, who has signed the Test Security Affidavit, directly supervises the
22 pupil and the pupil has been provided such a flexible setting.

23 (2) Flexible schedule. Additional supervised breaks following each section within a test part provided
24 that the test section is completed within a testing day. A test section is identified by a "STOP" at the end of
25 it.

26 (3) Translated directions. Hear any test directions the test examiner is to read aloud translated into their
27 primary language. English learners shall have the opportunity to ask clarifying questions about any test
28 directions presented orally in their primary language.

29 (4) Glossaries. Access to glossaries/word lists for the standards-based achievement tests in mathematics,
30 science, and history-social science if used regularly in the classroom (English to primary language). The
31 glossaries/word lists are to include only the English word or phrase with the corresponding primary language
32 word or phrase. The glossaries/word lists shall include no definitions or formulas.

33 NOTE: Authority cited: Sections 12001, 33031 and 60605, Education Code. Reference: Section 60640,
34 Education Code; 20 USC Section 6311.

Amend 859 to read:

§859. STAR Test Security Agreement and Test Security Affidavit.

(a) All STAR program district and test site coordinators shall sign the STAR Test Security Agreement set forth in Subdivision (b) before receiving any STAR tests or test materials.

(b) The STAR Test Security Agreement shall be as follows:

STAR TEST SECURITY AGREEMENT

The coordinator acknowledges by his or her signature on this form that the designated achievement test and the standards-based achievement tests are secure tests and agrees to each of the following conditions to ensure test security.

(1) The coordinator will take all necessary precautions to safeguard all tests and test materials by limiting access to persons within the school district with a responsible, professional interest in the tests' security.

(2) The coordinator will keep on file the names of all persons having access to tests and test materials.

All persons having access to the materials shall be required by the coordinator to sign the STAR Test Security Affidavit that will be kept on file in the school district office.

(3) The coordinator will keep the tests and test materials in a secure, locked location limiting access to only those persons responsible for test security except on actual testing dates as provided in California Code of Regulations, Title 5, Division 1, Chapter 2, Subchapter 3.75.

(4) The coordinator will not copy any part of the test or test materials without written permission from the Department to do so.

(5) The coordinator will not review test questions, develop any scoring keys or review or score any pupil responses except as required by the contractor's manuals.

By signing my name to this document, I am assuring that I and anyone having access to the test materials will abide by the above conditions.

By: _____

Title: _____

School District: _____

Date: _____

(c) Each STAR test site coordinator shall deliver the tests and test materials only to those persons actually administering the designated achievement test and the standards-based achievement tests on the date of testing to persons trained to administer the test who have executed the STAR Test Security Affidavit set forth in Subdivision (e).

(d) All persons having access to the designated achievement test and test materials and to the standards-based achievement tests and test materials shall acknowledge the limited purpose of their access to the tests by signing the STAR Test Security Affidavit set forth in Subdivision (e).

(e) The STAR Test Security Affidavit shall be as follows:

STAR TEST SECURITY AFFIDAVIT

I acknowledge that I will have access to the designated achievement test and to the standards-based achievement tests for the purpose of administering the test(s). I understand that these materials are highly secure, and it is my professional responsibility to protect their security as follows:

(1) I will not divulge the contents of the test to any other person through verbal, written, or any other means of communication.

(2) I will not copy any part of the test(s) or test materials.

(3) I will keep the test(s) secure until the test(s) are actually distributed to pupils.

(4) I will limit access to the test(s) and test materials by test examinees to the actual testing periods when they are taking the test.

(5) I will collect and account for all materials following each period of testing and will not permit pupils to remove test materials from the room where testing takes place.

(6) I will not disclose, or allow to be disclosed, the contents of, or the test instrument. I will not review any test questions, passages, or other test items with pupils before, during, or following testing.

(7) I will not develop scoring keys or review or score any pupil responses except as required by the publisher's administration manual(s) to prepare answer documents for machine or other scoring.

(8) I will return all test materials to the designated STAR test site coordinator daily upon completion of testing.

(9) I will administer the test in accordance with the directions for test administration set forth in the publisher's manual for test administration.

Signed: _____

Print Name: _____

Position: _____

School: _____

School District: _____

Date: _____

(f) To maintain the security of the program, all STAR program district coordinators and test site coordinators are responsible for inventory control and shall use appropriate inventory control forms to monitor and track test inventory.

NOTE: Authority cited: Sections 33031 and 60605~~(g)~~ and ~~(h)~~, Education Code. Reference: Section 60640, Education Code.